

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 20-cr-20318-1

v.

HON. STEPHEN J. MURPHY, III

RICARDO ZAMORA,

Defendant.

_____ /

STIPULATION REGARDING DISCOVERY MATERIALS

Wiretap Materials

The government has in its possession applications and orders for interceptions of communications as well as those communications (the “Wiretap Materials”) which it intends to use in its case-in-chief and, some of which, constitute statements of the defendant. The government therefore has the obligation to give defense counsel the opportunity for defense counsel to review the Wiretap Materials. *See, e.g.*, Fed. R. Crim. P. 16(a)(1)(E)(ii).

Because the Wiretap Materials are also governed by secrecy obligations and disclosure restrictions pursuant to Title III, out of an abundance of caution, the government seeks a Court order for “good cause,” 18 U.S.C. § 2518(8)(b) to disclose and use of the Wiretap Materials as set forth in the stipulation.

The government will provide to undersigned defense counsel an unredacted copy of the Wiretap Applications marked “Subject to Protective Order in E.D. Mich.

No. 20-cr-20318”.

Jencks and Grand Jury materials

Federal Rule of Criminal Procedure 6(e) states, in relevant part:

(2) Secrecy.

....

(B) Unless these rules provide otherwise, the following persons must not disclose a matter occurring before the grand jury:

....

(vi) an attorney for the government

....

(3) Exceptions

....

(E) The court may authorize disclosure – at a time, in a manner, and subject to any other conditions that it directs – of a grand-jury matter:

(i) . . . in connection with a judicial proceeding;

....

Prior to trial, the government will produce grand jury transcripts, reports of interviews, and witness statements (the “Witness Disclosure Materials”) regarding several person(s) who were questioned during the investigation, which in part led to the indictment in the above-entitled case.

By producing the Witness Disclosure Materials, the government does not represent that the witnesses who testified before the grand jury or were interviewed will be called as a government witness at trial.

The government will provide to undersigned defense counsel documents marked “Witness Disclosure Materials - Subject to Protective Order in E.D. Mich. No. 20-cr-20318”.

Limitations Regarding Wiretap Discs and Witness Statements Discs

Undersigned defense counsel will keep custody of the Wiretap Discs, unredacted applications and the Witness Disclosure Materials (together the “Discovery Disc”) will not make any copy of this disc (e.g., as an electronic copy saved to a computer or disc) unless otherwise expressly permitted in this stipulated protective order.

Undersigned defense counsel will only allow viewing of the Discovery Disc to (a) individuals who are employed by and/or work with defense counsel for purposes of preparing the defense in this matter, e.g., paralegals or investigators and (b) the Defendant.

Undersigned defense counsel is permitted to use the Discovery Disc in court hearings in this matter as necessary to the defense and as otherwise permitted, e.g., by the Federal Rules of Evidence and Criminal Procedure. To this end, undersigned defense counsel is permitted to make a “hard” or paper copy of Witness Disclosure Materials if it is necessary in hearings in this matter (e.g., in cross examination) so long as those copies are destroyed at the conclusion of this matter and/or returned to the government.

At the conclusion of this matter, undersigned defense counsel will return the Discovery Disc to the government.

So stipulated:

s/Robert Jerome White
Robert Jerome White

s/Elias J. Escobedo (with consent)
Elias J. Escobedo, Jr. PLLC

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Dated: June 10, 2021

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Defendants.

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PROTECTIVE ORDER BASED ON PARTIES' STIPULATION

Upon this Court's consideration of the parties' stipulation and for the reasons stated by the parties,

IT IS ORDERED that there is "good cause" under 18 U.S.C. § 2518(8)(b) to disclose and use of the Wiretap Materials as set forth in the stipulation.

IT IS ORDERED that the pretrial disclosure of the materials identified by the parties' in their stipulation are controlled by the provisions of that agreement, and the government is authorized to disclose the materials as requested.

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: June 11, 2021